

FIRST REGULAR SESSION

# HOUSE BILL NO. 258

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), JONES (117), KINGERY, SCHAD  
BIVINS, SCHOELLER, SCHARNHORST AND GRISAMORE (Co-sponsors).

0283L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 290.512, RSMo, and to enact in lieu thereof two new sections relating to minimum wage law.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 290.512, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 290.512 and 290.531, to read as follows:

290.512. 1. No employer of any employee who receives and retains compensation in the form of gratuities in addition to wages [is required to pay wages in excess of fifty percent of the minimum wage rate specified in sections 290.500 to 290.530, however, total compensation for such employee shall total at least the minimum wage specified in sections 290.500 to 290.530, the difference being made up by the employer] **shall pay such employee a cash wage at a rate less than the cash wage amount specified in the Fair Labor Standards Act, 29 U.S.C. Section 203(m), for tipped employees. However, the total compensation for such tipped employee shall not be less than the minimum wage specified in section 290.502.**

2. If an employee receives and retains compensation in the form of goods or services as an incident of his employment and if he is not required to exercise any discretion in order to receive the goods or services, the employer is required to pay only the difference between the fair market value of the goods and services and the minimum wage otherwise required to be paid by sections 290.500 to 290.530. The fair market value of the goods and services shall be computed on a weekly basis. The director shall provide by regulation a method of valuing the goods and services received by any employee in lieu of the wages otherwise required to be paid under the provisions of sections 290.500 to 290.530. He shall also provide by regulation a method of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 determining those types of goods and services that are an incident of employment the receipt of  
18 which does not require any discretion on the part of the employee.

2 **290.531. The department of labor and industrial relations shall promulgate rules**  
3 **to implement the provisions of sections 290.500 to 290.530. Any rule or portion of a rule,**  
4 **as that term is defined in section 536.010, RSMo, that is created under the authority**  
5 **delegated in this section shall become effective only if it complies with and is subject to all**  
6 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**  
7 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**  
8 **general assembly under chapter 536, RSMo, to review, to delay the effective date, or to**  
9 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
10 **rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be**  
**invalid and void.**

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